

641—162.11(135) Denial, suspension, revocation, or refusal to renew a license.

162.11(1) The department may deny, suspend, revoke or refuse to renew a license for any of the following reasons:

- a.* Failure to adequately complete the application or renewal application process or submission of fraudulent or misleading information on the initial or renewal application form.
- b.* Failure to obtain the minimum score required for a one-, two- or three-year license.
- c.* Violation by a problem gambling treatment program, program employee or agent of the employee of any statute or rule pertaining to problem gambling treatment programs, including a violation of any provision of this chapter.
- d.* Failure to comply with licensure, inspection, health, fire, occupancy, safety, sanitation, zoning, or building codes or regulations required by federal, state, or local law.
- e.* The commission of or permitting or aiding or abetting the commission of an unlawful act within a facility.
- f.* Conviction of a member of the problem gambling treatment program governing body, a director, administrator, chief executive officer, or other managing staff member, of a felony or misdemeanor involving the management or operation of the facility or directly related to the operation or integrity of the facility.
- g.* Use of untruthful or improbable statements in advertising.
- h.* Conduct or practices found by the department to be detrimental to the general health, safety, or welfare of a client or member of the community in which the program operates.
- i.* Violation of a client's confidentiality or willful, substantial, or repeated violation of a client's rights.
- j.* An attempt to defraud a problem gambling client, potential client, or third-party payor.
- k.* Inappropriate conduct by a problem gambling treatment program employee, including sexual contact with a client of the program.
- l.* Use of treatment techniques which endanger the health, safety, or welfare of a client.
- m.* Discrimination or retaliation against a client or employee who has submitted a complaint or information to the department.
- n.* Failure to allow an employee or agent of the department access to the facility for the purpose of inspection, investigation, or other information collection duties necessary to the performance of the department's duties.
- o.* Commission of an act to defraud the state of Iowa.
- p.* Failure to submit an acceptable written plan of corrective action or failure to comply with a written plan of corrective action issued pursuant to subrule 162.3(2), rule 641—162.9(135), or paragraph 162.16(4) "c."
- q.* Violation of an order of the department or violation of the terms or conditions of a consent agreement or informal settlement between a problem gambling treatment program and the department.
- r.* Failure to complete in full the application for licensure or failure to submit the information required by rule 641—162.5(135).

162.11(2) Initial notice from the department. When the department determines to deny, suspend, revoke or refuse to renew a license, the department shall notify the licensee by certified mail, return receipt requested, of the department's intent to deny, suspend, revoke, or refuse to renew the license and of the changes required to avoid denial, suspension, revocation or refusal to renew a license. The initial notice shall further provide the licensee the opportunity to submit to the department either a written plan of corrections or written objections within 20 days from the receipt of notice from the department.

162.11(3) Correction of deficiencies; objections.

a. Written plan of corrections. If a licensee submits a written plan of corrections, the licensee shall have 60 days from the date of submission to show compliance with the plan of corrections. The licensee shall submit any information to the department that the licensee deems pertinent to verify compliance with the plan of corrections.

b. Objections. If a licensee submits written objections, the licensee shall submit to the department any information that the licensee deems pertinent to support the licensee's defense.

162.11(4) Decision of the department. Following receipt of a written plan of corrections and expiration of the 60-day time period, or following receipt of written objections, or when objections or a notice of corrections has not been received within the 20-day time period, the department may determine whether to proceed with disciplinary action.

162.11(5) Notice of decision and opportunity for contested case hearing.

a. When the department determines to deny, suspend, revoke or refuse to renew a license, the department shall give the licensee written notice by certified mail, return receipt requested.

b. The licensee may request a hearing on the determination. The request must be in writing and received by the department within 30 days of receipt of the notice issued by the department. Failure to request a hearing by the deadline shall result in final action by the department.

162.11(6) Summary suspension. If the department finds that the health, safety or welfare of the public is endangered by continued operation of a problem gambling treatment program, summary suspension of a license may be ordered pending proceedings for revocation or other actions. These proceedings shall be promptly determined and instituted.